

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 12, Great Lakes Acquisition Center, 115 South 84th Street, Milwaukee, WI 53214
2. **Nature and/or Description of the Action Being Processed:** Firm fixed price procurement of eleven (11) Fresenius 2008T Hemodialysis Machines, related software licenses for the equipment, and on-site staff training.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Eleven (11) Fresenius 2008T Hemodialysis Machines and related software licenses for the equipment. Each 2008T system will be acquired at a cost of \$15,350.00 (\$168,850.00) each with related software at a total of \$10,000.00 and on-site training at a cost of \$4620.00 for a procurement totaling \$186,770.00. No options will be associated with this procurement. Delivery of equipment is required between April 1 and May 15, 2013.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) International Agreement per FAR 6.302-4
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

The Green Bay OPC will share IT infrastructure with the Milwaukee VAMC, as such, consistent technical platforms must exist between the two facilities. Milwaukee VAMC currently has the Fresenius Medical Information system in use and it is considered to be a major system. A substantial duplication of costs to the government would be expected by competing this procurement. Accordingly, Fresenius USA Inc. is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** At such a time when the current equipment and Medical Information System become outdated, solicitations will be issued to obtain competitive offers from available dialysis system manufacturers.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable

Contracting officer has deemed pricing to be fair and reasonable as: Milwaukee VAMC paid the same price per unit (\$15,530.00) in September 2011 (695-A10522); NxStage quote provided to FHCC 4/20/12 was \$16,560.00 per hemodialysis unit; Iron Mountain VAMC paid \$24,500.00 (585-C00219) for Gambro hemodialysis system.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Market research revealed that other manufacturers of dialysis systems exist however their Medical Information Systems (MIS) platforms would not be compatible with the Fresenius MIS in place at the Milwaukee VAMC, of which the Green Bay OPC will share and must be compatible to.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: No other vendor has available dialysis systems that can integrate with the Fresenius server located at the Milwaukee VAMC.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

Fresenius UCA, Inc., 2637 Shadelands Dr., Walnut Creek, CA 94598-2512

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

At such a time when the current equipment and Medical Information System become outdated, solicitations will be issued to obtain competitive offers from available dialysis system manufacturers.

12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

Marcus Kuhnert
Name Marcus Kuhnert
Title Biomedical Engineer
Facility Milwaukee VAMC

3/27/13
Date

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Insa Fashola

Name

Contracting Officer

Network Contracting Office 12, Great Lakes Acquisition Center

3/11/13

Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

Christine Hansen

Christine Hansen

Network Contract Manager

Network Contracting Office 12, Great Lakes Acquisition Center

Date

3/13/2013